

Links and Resources

Please visit our website (next page) under **Helpful Resources** or **click Blue text** for the following:

[Sign-up for our Email List](#)

[Important Statutes](#) affecting Common Interest Communities:

- [Common Interest Community Ombudsperson Act](#)
- [Delaware Uniform Common Interest Ownership Act](#)
- [Unit Property Act](#)

[File a Complaint Procedure](#)

Step 1: [Internal Dispute Resolution Process](#)

Step 2: [CICO Contact Complaint Form](#)

What's right for you? Conciliation, Mediation, Arbitration. [Alternative Dispute Resolution.](#)

[Election Services: Vote Monitoring and Counting](#)

Need Additional Assistance?

The Delaware Bar Association Online referral service: <https://dsba.org/for-the-public-2/>

Insurance Commissioner: Please take a look on our website under Helpful Resources– Information for Homeowners and Associations for the Insurance Commissioner's explanation of [Insurance products Homeowner's Associations should consider.](#)

COURT OF CHANCERY

Chancery Court has special jurisdiction to interpret and enforce Homeowner association governing documents. [10 Del. C. § 348](#)

Contact:

New Castle County: 302-255-0544
Kent County: 302-735-1930

Contact Us

Ombudsperson: Christopher J. Curtin, DAG
Office: 302-683-8801
Direct: leave a message: 302-683-8832
Email: Christopher.Curtin@delaware.gov

Paralegal: Amanda Lord
Direct: 302-683-8836
Email: Amanda.Lord@delaware.gov

Visit our website at:

<https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/>

Or use our QR Code:



MEET US ONLINE:

Consider attending our Advisory Council Meetings every other month where we discuss relevant topics affecting common interest communities in Delaware. Public Comment is always on the Agenda.

Sign up on our email list to get our meeting notices or find these meetings posted on the States Public Meeting Calendar.

**OFFICE OF THE COMMON
INTEREST COMMUNITY
OMBUDSPERSON**
820 N. FRENCH STREET
WILMINGTON, DE 19801



CICO

Delaware Department of Justice



Office of the Attorney General

OFFICE OF THE COMMON INTEREST COMMUNITY OMBUDSPERSON



Fraud and Consumer Protection Division

What is a Common Interest Community?



Whether it is a homeowners association, a condominium association, or another term, common interest communities have three defining characteristics:

1. Membership is **mandatory** and automatic for all owners.
2. Residents (including the Board) are required to abide by the community's governing documents (Recorded Declaration/Code of Regulations/ Master Deed, Recorded Bylaws, Rules and Regulations).
3. Owners must pay mandatory lien-based assessments.

Land Documents including the Community Plat, Declaration/Code of Regulations and Bylaws, plus any amendments *must* be recorded. You may find these documents in your settlement paperwork, but they can be obtained through the County Recorder of Deeds.

The Office of the Ombudsperson's statutory duties do not include voluntary civic associations.

LEARN MORE ABOUT COMMON INTEREST COMMUNITIES HERE:

[An Essential Guide for Homeowner Leaders Community Association Living](#)

Keystone Chapter Community Associations Institute: <https://caikeystone.org>

What we do & Top Complaint Topics

The purpose of the Office is to assist members of residential "common interest communities" to understand their rights and responsibilities and where possible, to resolve disputes without use of the judicial system using education seminars, and when both parties agree, provide Alternative Dispute Resolution, including mediation, arbitration, or binding

Access to Association Books and Records

This right exists in slightly different form in three laws, and probably in the your governing documents:

1. The Delaware General Corporation Law, 8 Delaware Code § 220.
2. The DUCIOA (may or may not apply to your Community): The Delaware Uniform Common Interest Ownership Act: § 81-318. Association records.
3. The Delaware Unit Property Act: § 2218 "Books of Receipts and expenditures, availability for inspection."

Elections:

We can provide election services: vote monitoring and counting. **Note:** 30 day lead time required. Contact us. Fees are required.

1. We cannot order new elections, but Chancery Court can.
2. Helpful Case: Adams v. Calvarese Farms Maintenance Corporation held violating the bylaws and rules on elections, the board elected an "improperly constituted" board. As a result, all of the actions of the board were "void or voidable," requiring new elections and the new board reconsidering each action of the board and upholding or rejecting the action.
3. The Ombudsperson's Office's [Fair Election Process](#) is **NOT** a statutory requirement, only best practice.

Transition from developer control

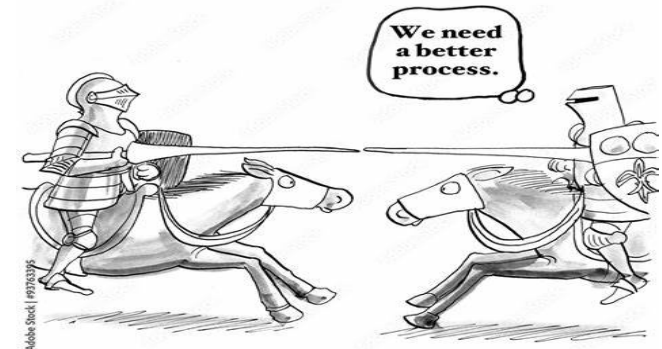
Homeowners can form a committee and hire an attorney to represent them in this transaction. Take a look at CAI's "Best Practices Report # 7 – Transition" here:

<https://foundation.caionline.org/wp-content/uploads/2017/06/bptransition.pdf>

Reserves:

- Currently, DUCIOA requires only condominiums to have "fully funded" reserves but it is a best practice for every community.
- Take a look at CAI's Reserve Study Standards and best practices here: [RESERVE STUDY STANDARDS](#)
- [BEST PRACTICES](#)

Filing a Complaint with Us: It's a two-step process.



First, you must try to resolve your complaint through an "Internal Dispute Resolution Process" (IDR). Either a homeowner or the board can start the IDR process by sending a written IDR complaint on a "form" to the other.

Second, if the board ignores the IDR complaint; or does not take part in an IDR process; or if the board does not resolve the complaint internally, you can file a "Contact & Complaint" Form with the Office of the Ombudsperson. Ensure you provide copies of all "Required Information" listed on page 7 of the Complaint Form. There is a \$35.00 filing fee.

Note: You **MUST** quote and cite the "potential violations" of governing law and documents governing a common interest community, such as deed restrictions, certificate of Incorporation, bylaws, or rules of a community in your complaint forms.

FEES:

There are fees association with the Office providing mediation, arbitration and election services. Please contact us for current rates.

FREE OPTION: The 'Court of Common Pleas' "Community Mediation Program" provides free mediation if our Office makes the referral. Contact us about this program